

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

PENNY HULETTE

PLAINTIFF

V.

NO. 3:14CV0092-JMV

**CAROLYN W. COLVIN,
COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

FINAL JUDGMENT

This cause is before the court on Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying claims for a period of disability and Disability Insurance Benefits. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The court, having reviewed the administrative record, the briefs of the parties, and the applicable law and having heard oral argument, finds as follows, to-wit:

In view of the arguments and concessions made during oral argument in this matter today, the court is persuaded that the case should be remanded for lack of substantial evidence in the record to support the ALJ's decision. First, the court notes that with respect to the claimant's mental impairment, the record contains neither a psychiatric review technique form completed by a state agency physician nor a record of a consultative mental status examination. Moreover, it appears the ALJ's medical equivalency determination at step three, i.e., the severity of the claimant's mental impairment does not equal the criteria of listing 12.04, is not supported by the opinion of an agency physician. On remand, the ALJ shall reconsider the claimant's mental

impairment. Specifically, the ALJ shall obtain a comprehensive consultative mental status examination of the claimant and obtain a medical opinion on the issue of whether the claimant's mental impairment equals a listed impairment. If necessary, the ALJ shall also reconsider the claimant's RFC (in light of all of the evidence) and determine whether she is capable of any work. The ALJ may conduct any additional proceedings that are not inconsistent with this order.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is **REVERSED** and **REMANDED** for further proceedings.

This, the 27th day of January, 2015.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE